

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10873-RWZ

GRANT BOYD

v.

MIKE AUSTIN, et al.

ORDER

May 24, 2005

ZOBEL, D.J.

Plaintiff, a defendant in a federal criminal case, United States v. Boyd, Criminal Action 05-10037-GAO, has been ordered detained. Although he has retained counsel in the criminal case, he brought a civil case pro se in the Plymouth County Superior Court against the U. S. Marshal Service, the Plymouth County Sheriff's Department and several officials of the Department of Correction. The U. S. Marshal removed the case to this Court. Plaintiff complains primarily about lack of access to the law library which is apparently the result of his classification to protected custody.

The matter is before me on plaintiff's motion filed *ex parte* for 1) a temporary restraining order requiring defendants to mail his legal letters even though he is without funds and 2) an order that the Marshal transfer plaintiff to the Dedham House of Correction.

Since the entire complaint pertains to the conditions of plaintiff's detention, pursuant to the order of this Court in the criminal case in which plaintiff is represented

by able counsel, the issues he raises here appear to be best resolved in the context of that case. Accordingly, on or before June 6, 2005 plaintiff shall show cause why the issues in this case should not be resolved in the criminal case. A copy of this order shall be sent to defense counsel in the criminal case; but, since the motion was filed *ex parte*, defendants shall not be notified pending further order of the Court.

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DATE

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/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE